REMARKS

Claim Status

With this Response to Office Action, these claims are presented:

1-15   canceled (without prejudice or disclaimer)

16-48   new

Information Disclosure

Applicant respectfully proffers this reference for the Examiner's review.

- US 7,010,808 B1, issued in the name of inventors Leung et al. ("Leung"), titled "BINDING DIGITAL CONTENT TO A PORTABLE STORAGE DEVICE OR THE LIKE IN A DIGITAL RIGHTS MANAGEMENT (DRM) SYSTEM".

Applicant respectfully also proffers these references for the Examiner's review, recently cited in a communication from the European Patent Office.

- WO 01/37479;
- FR A1 2 786 973;
- FR A1 2 750 554.

An Information Disclosure Statement accompanies this paper.

The Office Action

The Office Action rejected claims 1-15 on 35 U.S.C. § 102(e) grounds, as allegedly anticipated by <u>Sims</u> (US 6,550,011). Applicant respectfully traverses.

With this Response to Office Action, claims 1-15 have been canceled, mooting this rejection.

While claims 1-15 have been canceled (in favor of presenting other claims), no admission is made that the canceled claims were in fact anticipated by <u>Sims</u>, or otherwise unpatentable. Rather, it is believed the canceled claims were not anticipated by <u>Sims</u>.

More specifically, <u>Sims</u> does not show or suggest separately delivering, to a user, a license including a content key capable of unlocking digital content, the content key being locked against inspection or tampering by devices other than a selected presentation device owned by that user. <u>Sims</u> appears merely to generally discuss protected content and its licensing.

To allegedly show anticipation of this recited text, the Office Action cites, in a vague statement, all four complete figures (<u>Sims</u>, figures 1-4), and five columns of text (<u>Sims</u>, col. 3, line 65, through col. 8, line 20). The Office Action fails to particularly point out any specific elements of this broad swath of document that might rationally apply to recited text of the claims.

Applicant respectfully refers the Examiner to 37 C.F.R. § 1.104(c)(2), which states in part:

> * * * When a reference is complex or shows or describes inventions other than that claimed by Applicant, the particular part relied on must be designated as nearly as practicable * * *.

See also 35 U.S.C. § 103(a); <u>Manual of Patent Examining Procedure</u> § 707.

The Office Action applies all four complete figures of <u>Sims</u> and the same broad five-column swath of <u>Sims</u>, (a) for each element of claim 1, and (b) for each element in each of dependent claims 2-15. This fails to "designate[] as nearly as practicable" "the particular part relied on" of <u>Sims</u>, and equally, fails to give adequate notice to Applicant of a reasonable basis for the rejection.

Accordingly, the rejection in the Office Action is improper. Applicant respectfully requests that no Office Action be made final until Applicant has had an opportunity to respond to a rejection that is proper according to 37 C.F.R. § 1.104(c)(2), <u>Manual of Patent Examining Procedure</u> § 707, and principles of due process, and that would allow Applicant to be reasonably apprised of the nature of, reasons for, and propriety of, the rejection.

Applicant respectfully requests the Examiner review <u>Leung</u>, proffered with this Response to Office Action (and accompanying Information Disclosure Statement), for such concepts it shows or suggests.

<u>The Claims</u>

Newly presented claims 16-48 are allowable.

<u>Claim 16</u>

Claim 16 recites in part:

at a first node in a network, distributing digital content to a second node * * * those steps of distributing to a second node including steps of

* * * *

(d) re-encrypting at least a portion of that digital content using a re-encryption key.

None of the documents of record shows or suggests, alone or in combination, this recited text. More specifically, neither <u>Sims</u> nor <u>Leung</u> shows or suggests, alone or in combination, steps of re-encrypting at least a portion of digital content using a re-encryption key. Both <u>Sims</u> nor <u>Leung</u> teach against this recited text, as both show systems in which there is no re-encryption key and in which re-encryption is shown not to be used.

Accordingly, this claim is allowable.

Claim 17

Claim 17 recites in part:

by a user of that digital content, receiving a decryption key associated with that re-encryption key

None of the documents of record shows or suggests, alone or in combination, this recited text. More specifically, neither Sims nor Leung shows or suggests, alone or in combination, steps of receiving a decryption key associated with a re-encryption key. Both Sims nor Leung teach against this recited text, as both show systems in which there is no re-encryption key and in which re-encryption is shown not to be used.

Claim 17 depends from claim 16, shown above to be allowable. Accordingly, claim 17 is allowable for this reason as well.

Accordingly, this claim is allowable.

/ / /

Claim 18

Claim 18 recites in part:

receiving at least one of (a) that re-encryption key, (b) a decryption key associated with that re-encryption key, at a server having access to that first decryption key

None of the documents of record shows or suggests, alone or in combination, this recited text. More specifically, neither Sims nor Leung shows or suggests, alone or in combination, either of steps of (a) receiving a re-encryption key or (b) receiving a decryption key associated with a re-encryption key. Both Sims nor Leung teach against this recited text, as both show systems in which there is no re-encryption key and in which re-encryption is shown not to be used.

Claim 18 depends from claim 16, shown above to be allowable. Accordingly, claim 18 is allowable for this reason as well.

Accordingly, this claim is allowable.

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Claim 19

Claim 19 recites in part:

receiving that re-encryption key from a server having access to that first

decryption key

None of the documents of record shows or suggests, alone or in combina-

tion, this recited text. More specifically, neither Sims nor Leung shows or suggests,

alone or in combination, steps of receiving a re-encryption key from any other device.

Both Sims nor Leung teach against this recited text, as both show systems in which

there is no re-encryption key and in which re-encryption is shown not to be used.

Claim 19 depends from claim 16, shown above to be allowable. Accord-

ingly, claim 19 is allowable for this reason as well.

Accordingly, this claim is allowable.

Claims 20-22, 24 and 29-31

Claims 20-22, 24 and 29-30 depend from claim 16, shown above to be

allowable. Accordingly, these claims are allowable.

/ / /

Claim 23

Claim 23 recites in part:

that re-encryption key is responsive to information from that first node

None of the documents of record shows or suggests, alone or in combina-
tion, this recited text. More specifically, neither <u>Sims</u> nor <u>Leung</u> shows or suggests,
alone or in combination, a re-encryption key that is responsive to information from a
first node (which performs the re-encryption). Both <u>Sims</u> nor <u>Leung</u> teach against this
recited text, as both show systems in which there is no re-encryption key and in which
re-encryption is shown not to be used.

Claim 23 depends from claim 16, shown above to be allowable. Accord-
ingly, claim 23 is allowable for this reason as well.

Accordingly, this claim is allowable.

Claim 25

Claim 25 recites in part:

at least one of: (a) that first decryption key, (b) a decryption key
associated with that re-encryption key
is associated with a set of restrictions on a license * * *

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None of the documents of record shows or suggests, alone or in combination, this recited text. More specifically, neither <u>Sims</u> nor <u>Leung</u> shows or suggests, alone or in combination, either of steps of (a) associating a first decryption key with a set of restrictions on a license, or (b) associating a decryption key, associated with a re-encryption key, with a set of restrictions on a license.

Claim 25 depends from claim 16, shown above to be allowable. Accordingly, claim 25 is allowable for this reason as well.

Accordingly, this claim is allowable.

<u>Claim 26</u>

Claim 26 depends from claim 25, which depends from claim 16. Both of these claims are above shown to be allowable.

Accordingly, this claim is allowable.

<u>Claim 27</u>

Claim 27 recites in part:

a decryption key associated with that re-encryption key is pre-assigned

* * *

None of the documents of record shows or suggests, alone or in combination, this recited text. More specifically, neither <u>Sims</u> nor <u>Leung</u> shows or suggests, alone or in combination, that a decryption key associated with a re-encryption key is pre-assigned in any way. Both <u>Sims</u> nor <u>Leung</u> teach against this recited text, as both show systems in which there is no re-encryption key and in which re-encryption is shown not to be used.

Claim 27 depends from claim 16, shown above to be allowable. Accordingly, claim 27 is allowable for this reason as well.

Accordingly, this claim is allowable.

<u>Claim 28</u>

Claim 28 recites in part:

wherein steps of distributing digital content * * * include reading at least a portion of that digital content from physical media

None of the documents of record shows or suggests, alone or in combination, this recited text. More specifically, neither <u>Sims</u> nor <u>Leung</u> shows or suggests, alone or in combination, that steps of distributing digital content might include reading at least a portion of that digital content from physical media (such as for example, a DVD).

Claim 28 depends from claim 16, shown above to be allowable. Accordingly, claim 28 is allowable for this reason as well.

Accordingly, this claim is allowable.

Claims 32-46

Claim 32-46 are allowable for reasons similar to claims 16-31.

Claim 47

Claim 47 is allowable for reasons similar to claim 46.

Claim 48

Claim 48 is allowable for reasons similar to claims 16 and 32.

No Admission

Applicant's decision, with respect to certain dependent claims, not to remark separately on the patentability of those claims, is not intended as an admission that the subject matter of those dependent claims is either (a) shown or suggested in any cited documents, or combination thereof, or (b) patentably indistinct from claims from which those claims depend.

CONCLUSION

This Application is in condition for allowance. Reconsideration and allowance are respectfully requested.

The Examiner is invited and encouraged to telephone Applicant's attorney at (650) 947-0700, with any questions, or with any matter that might assist in bringing this Application to allowance.

Respectfully submitted,

November 30, 2007

/Steven A. Swernofsky/
Steven Swernofsky
Reg. No. 33,040